

APR 21 2015

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:02CR30064
	)	(CASE NO. 5:15CV80804)
	)	
v.	)	FINAL ORDER
	)	
DAVID ALLEN DAY,	)	
	)	
Defendant.	)	By: Hon. Glen E. Conrad
	)	Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that defendant's current motion (ECF No. 212), seeking to reopen his prior motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, is **CONSTRUED** as a § 2255 motion and is summarily **DISMISSED** under § 2255(h) as successive, and the clerk will close the § 2255 action. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 21<sup>st</sup> day of April, 2015.



Chief United States District Judge